

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESAJ-RD-NA-M
FILE NUMBER: SAJ-2004-7474

REGULATORY PROJECT MANAGER: TSD **Date:** July 16, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office ☐ Yes **Date:** July 16, 2004
 At the project site ☒ Y (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: FL
County: Indian River
Center coordinates of site by latitude & longitudinal coordinates:
Approximate size of site/property (including uplands & in acres): 9.6
Name of waterway or watershed: Indian River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Borrow Pit 0.26 acres	✓								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?			✓		
Is used to irrigate crops sold in interstate commerce?			✓		

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved ☒.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

This site is in the Indian River drainage basin. This excavated borrow pond has been used by grove owners for years. The borrow pond will be filled for residential lots. This pond was determined to be isolated, with respect to Corps jurisdiction, it does not have no connection (natural or manmade) to waters of the United States. Further, this area is more than 200 feet removed from any kind of drainage feature with surface water and/or an ordinary high water mark. The pond is not navigable and there does not appear to be a nexus to interstate commerce.